

## REMARKS

Claims 1, 3-12, 14-23, 30, 32-41, 43-52, 59 and 60 are currently pending in this application.

### Specification Objection

The specification was objected to because of informalities. The informalities have been corrected herein.

### Claim Rejections Under 35 U.S.C. §102

Claims 1, 4-6, 8, 9, 12, 14-18, 23, and 59 were rejected under 35 U.S.C. §102(b) as being anticipated by Wade (U.S. Patent No. 941,215).

Wade discloses a water heater which includes a channel for water flow, a very large heating element which is very close to the channel, and only a very thin space between the channel and the heating element, which is not stated to be a heat storage space, nor is it useable as such. Wade discloses heating the partition between the heating chamber (casing 10, plate 11) and the water chamber, (spiral groove 19, passage 20), and admitting water through the passage, which passes successively about the passage in contact with the heated partition prior to discharge through the outlet opening 21 (lines 93-101). It does not provide and is not intended to provide any capability for the storage of heat therein, and heat storage capability is neither taught nor suggested in Wade. Wade does not teach or suggest the storing of fluid in the channel, the heating of stored fluid by the heating element to a stored heated fluid temperature, and the maintaining of

the stored fluid thereat, by the storing element, and the substantially rapid heating of the fluid to a fluid dispensing temperature above the stored heated fluid temperature for dispensing of the fluid, by the heating element, in contrast to the invention as claimed herein. On the contrary, the water heater in Wade passes water directly through the channel and heats it during such passage, without storing the heated water, or rapidly further heating the water for dispensing.

#### Claim Rejections Under 35 U.S.C. §103

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wade. Claims 7, 10, 11, 19, 20, 21, and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wade in view of applicant's admitted prior art. Since these claims depend directly or indirectly from independent claims, it is submitted that they are patentable in view of the patentability of the independent claims as set forth above.

#### Allowed Claims

Claims 30, 32-41, 43-52 and 60 were allowed.

#### Dependent Claims

In view of the patentability of the underlying independent claims over Wade as set forth above, it is submitted that the claims depending therefrom are likewise patentable.

## CONCLUSION

It is submitted in view of the above that there is no teaching or suggestion of applicant's invention as claimed in the claims submitted herewith, within the scope of the disclosure of the cited reference, without extensive modification and the exercise of inventive talent.

In light of the above amendments and remarks, applicant submits that the application is in condition for allowance, and requests that it be passed to issue. If there are any issues which can be discussed in a telephone interview, the Examiner is requested to contact applicant's attorney at (310) 242-2732.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: Howard N. Sommers  
Howard N. Sommers  
Registration No. 24,138

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201